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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------|-------------------------|
| 10/780,690 | 02/17/2004 | Katsushi Habu | 2630.3170.001 (616SC) | 2032 |
| 23399 | 7590 | 12/09/2005 | EXAMINER | |
| REISING, ETHINGTON, BARNES, KISSELLE, P.C. P O BOX 4390 TROY, MI 48099-4390 | | | CHIESA, RICHARD L | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1724 | |
| | | | | DATE MAILED: 12/09/2005 |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-------------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/780,690 | HABU ET AL. |
| | Examiner Richard L. Chiesa | Art Unit 1724 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 November 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 February 2004 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Election/Restrictions

1. Applicants' election with traverse of species A (Figure 1) in the reply filed on November 9, 2005 is acknowledged. The traversal is on the ground(s) that all species can be examined without serious burden. This is not found persuasive because there are apparently major differences between the various species which would require different searches.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

2. Upon further review, the drawings filed on February 17, 2004 are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "200". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicants will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regards as the invention. More specifically, it is suggested that the word "type" on the first line of the claims be deleted in order to remove any possible ambiguities.

Claim Rejections - 35 USC § 102/103

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicants are advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a

later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, and 4 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Payne. Payne shows a float bowl carburetor with a body 12, fuel-air mixing passage 14, fuel chamber 22, fuel bowl 16, fuel supply pipe 40, fuel passage 64, fuel passage outlet 61 aligned with the fuel supply pipe, and a priming system 70, 72, and 76 as claimed (35 USC 102b). It would appear that Payne may not explicitly refer to reference numeral 61 as an outlet. Instead Payne refers to it as a primer jet (note col. 2, lines 7-10). However, to operate as a jet means that fuel is ejected through an opening at the jet extremity. Consequently, it is inherent or at least would have been readily obvious to one of ordinary skill in the art (35 USC 103a) that Payne's priming jet 61 is an outlet.

8. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Payne in view of Guntly et al. Payne, as described above in paragraph 7, discloses a float bowl carburetor substantially as claimed. Apparently, Payne may not explicitly disclose a bolt defining a portion of the fuel passage. In any case, Guntly et al (note ref. num. 28, 32, 34, Figure 1, and col. 4, line 67 to col. 5, line 11) teach the well-known use of a bolt defining part of the fuel passage in a float bowl carburetor for the purpose of facilitating both sealing and fuel flow. For these same reasons, it would have been obvious to one having ordinary skill in the art to employ a such a bolt in the Payne float bowl carburetor as taught by Guntly et al.

9. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Payne in view of Takano et al. Payne, as described above in paragraph 7, discloses a float bowl carburetor substantially as claimed with the apparent exception of a perforated fuel supply pipe. However, Takano et al (note Figure 1) teach the well-known use of a perforated fuel supply pipe 28 (note col. 4, line 24 to col. 5, line 12) in a float bowl carburetor in order to facilitate fuel flow and for this same reason it would have been obvious to one of ordinary skill in the art to employ such an expedient in the Payne carburetor.

10. Claims 2, 3, and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claims 1 or 10 in paragraphs 7 or 9 respectively above, and further in view of Walbro Far East. The prior art, as described above in either one of paragraphs 7 or 9, discloses a float bowl carburetor substantially as claimed with the apparent exception of a main jet downstream from the fuel passage outlet. In any case, Walbro Far East (note ref. num. 14, 15) teaches the well-known use of a main jet downstream of the fuel passage outlet in a float bowl carburetor for the purpose of facilitating starting. It would have been obvious to one of ordinary skill in the art to employ a main jet downstream of the fuel passage outlet in either one of the prior art float bowl carburetors in order to facilitate starting as taught by Walbro Far East.

Allowable Subject Matter

11. Claims 8 and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. As allowable subject matter has been indicated, applicants' reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. These references have been cited as art of interest to show other carburetors.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard L. Chiesa whose telephone number is (571) 272-1154.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane S. Smith, can be reached at (571) 272-1166.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1700 receptionist whose telephone number is (571) 272-1700.

Facsimile correspondence must be transmitted through (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard L. Chiesa
December 6, 2005

Richard L. Chiesa

**RICHARD L. CHIESA
PRIMARY EXAMINER
ART UNIT 1724**

Dec. 6, 2005